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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Written statement submitted by the Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 February 1994]

RELATIONSHIP BETWEEN THE RIGHT TO DEVELOPMENT, OTHER HUMAN RIGHTS AND THE ENVIRONMENT

1. Human Rights Advocates, in conjunction with the Natural Heritage Institute, 1/ submits the following written statement to the Commission on Human Rights.

2. The Commission on Human Rights in its resolution 1993/22 established a Working Group to identify obstacles to the implementation and realization of the Declaration on the Right to Development. In its report (E/CN.4/1994/21) the Working Group found that a sense of common global responsibility had emerged which not only comprised a growing consensus on human development, but also an increased attention for respect of human rights, as well as for the environment.

3. Inappropriate and destructive development techniques were identified as serious obstacles to the implementation of the Right to Development by the Global Consultation on the Right to Development as a Human Right, held from 8 to 12 January 1990. They concluded that disregard for human rights and

in particular the right to development could lead to conflict and instability. This in turn might undermine the economic conditions needed for development through phenomena such as involuntary migration and environmental destruction. (E/CN.4/1990/9/Rev.1, paras. 161-169)

4. The report issued by the Secretary-General to the Commission at its forty-ninth session focused primarily on obstacles to development on the international macro-economic level. It did not address the obstacle that environmentally unsound development can pose to the realization of the right to development and other basic human rights. (E/CN.4/1993/16)

5. The relationship of human rights to the environment has been analysed for the Sub-Commission on the Prevention of Discrimination and Protection of Minorities by the Special Rapporteur, Mrs. Fatma Ksentini. (E/CN.4/Sub.2/1993/7, E/CN.4/Sub.2/1992/Add.1)

6. The effective exercise and enjoyment of basic human rights for much of the world's population is prohibited by environmental problems. Water and air pollution, accumulations of solid and hazardous wastes, soil degradation and deforestation prevent many people from securing the minimum requirements for health and survival. Whether or not a basic human "right to the environment" exists, a safe and ecologically balanced environment is necessary for the realization of all basic human rights.

7. The goal of development is the development of the entire human being and a continued increase in the wellbeing of all human beings. Only if development is carried out in a way that is protective of the environment can it be truly sustainable and ensure other basic human rights. Economic development and sound environmental management are complementary aspects of the same agenda. Without adequate environmental protection, development will be undermined and without development environmental protection may fail.

8. Although the United Nations and many governments and regional bodies have recognized that the goal of human development is the realization of all human rights, in many regions of the world, the environment is degraded by developers often with the tacit approval of the Government and in violation of other basic human rights.

9. Poorly planned development projects in vulnerable areas provide an increasing stress on the environment and on the sustainability of human development. Projects intended to improve the standard of living often irreparably damage pre-existing sustainable methods of sustenance.

10. Indigenous peoples are often those most harmed by the development process. Oil exploration, mining, deforestation and dam construction degrade their land and place their cultural and physical survival in peril. 2/

11. The exploitation and degradation of natural resources has created the largest and fastest growing group of displaced persons in the world. Environmental refugees are people fleeing natural disasters, such as radical land transformations, the construction of dams and irrigation works and/or toxic contamination. Over 135 million people may be at risk of being displaced by severe desertification alone. 3/

12. Involuntary resettlement projects according to the World Bank's guidelines are intended to provide new and better opportunities for the peoples moved. However, these projects are usually poorly planned, managed and financed. They are imposed on people with little consultation and raise serious human rights as well as environmental concerns. Many of the displaced have been forced to leave behind their cultural heritage and livelihood only to become migrant workers. These displaced persons are often relocated to shanty towns or to fragile agricultural frontiers, where they contribute to deforestation and desertification. Disease, hunger, loss of livelihood and loss of self-reliance are regular results. 4/

13. Projects to construct large scale dams force mass involuntary resettlements of local peoples and are notorious for producing human rights violations and environmental degradation. Ecological changes downstream often cause a loss in water resources and arable land to farmers dependent on the historic flow. Major land use changes may be introduced behind the dam resulting in changes in land values, land grabbing, displacement and more environmental degradation. For example, hydro power development in Ghana's Volta River basin has caused 70,000 cases of river blindness and 80,000 people to relocate, many of whom had to relocate again after the initial resettlement's failure. 5/ Similarly, the Narmada River Basin Project in India will force the eviction of thousands of peoples who hold their ancestral land communally under forms of tenure which can never be converted into property rights recognized and compensated by State law. 6/

14. Large-scale commercial farming projects also lead to widespread degradation. A recent World Bank assessment of cotton production projects in West Africa linked them with deforestation, erosion and declining soil fertility. Thousands of small scale, marginal rural households were pressed into sacrificing subsistence plots and labour for cash crop production. 7/ Other large-scale farming projects have replaced sustainable local agriculture with unsustainable export crops. As only one dramatic example, the Aral Sea in Central Asia has been drained to two-thirds of its natural size in the last 30 years, as a result of diversions from its tributaries for irrigation of commercial cropland. 8/

15. Such destructive projects are often aimed at increasing the rate of export of natural resources. The ability of States to control their rate of resource exports is constrained, among other reasons, by current rules of international trade. Such rules may also limit the ability of States to effectively implement national policies for sustainable development.

Recommendations to the Commission

16. Call upon the Working Group to further investigate how the right to development can be implemented to guarantee respect for the environment and all other human rights.

17. Call upon the Working Group to further investigate the link between the right to development, the activities of international financial and trade institutions and respect for the environment and human rights, as well as the means for assuring that the policies of these institutions are integrated with those of human rights and other United Nations agencies concerned with the

right to development, and to report back to the Commission at its next session on the results of its investigation.

18. Call upon Governments to develop mechanisms that will guarantee respect for the environment and human rights in implementing national development policies.

19. Call upon international financial institutions to ensure through binding requirements that recipients of development project funds will guarantee respect for the environment and human rights in creating and in implementing development policies and projects.

20. Call for the International Monetary Fund and the World Bank to Review and implement their original mandates as recommended by the Secretary-General 9/ and for new international economic institutions, such as the World Trade Organization, to incorporate criteria supporting the right to development, environmental protection and human rights into its mandate.

21. Coordinate efforts with intergovernmental agencies and the bodies expert in these issues including the United Nations Environment Programme, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the Committees on Economic Social and Cultural Rights and the Commission on Sustainable Development.

Notes

1/ Human Rights Advocates (HRA) and the Natural Heritage Institute (NHI) are non-governmental organizations working in the areas of human rights education and advocacy and international conservation. This written statement was developed by Heidi Poppe and Michelle Schwartz for NHI and HRA. For more information, contact the Natural Heritage Institute, 114 Sansome Street Suite 1200, San Francisco, CA, 94104, United States of America.

2/ Michelle L. Schwartz, "International Legal Protection for Victims of Environmental Abuse", The Yale Journal of International Law, Vol. 18:355 (1993).

3/ See footnote 2.

4/ James C.N. Paul, "The Human Right to Development: Its Meaning and Importance". The John Marshall Law Review, Vol. 25:235 (1992).

5/ See the intervention of HRA/NHI before the Sub-Commission on Prevention of Discrimination and Protection of Minorities forty-fourth session (E/CN.4/Sub.2/1992/NGO/10).

6/ See footnote 5.

7/ See footnote 4.

8/ World Development Report: Development and Environment, p. 38 (World Bank, 1992). See also note 6.

9/ The Secretary-General proposed that international financial institutions review and implement their original mandates. The International Monetary Fund should resolve payment imbalances to share the burden of adjustment between surplus and deficit countries. The World Bank should take up seriously its task of re-cycling global surpluses of the rich nations, so that poorer countries are not forced to borrow on the private financial market. He also suggested that the Commission should request the World Bank to gradually incorporate human rights criteria in its work at all stages.

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